

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:13-MJ-1145-JG-1

UNITED STATES OF AMERICA

v.

MICHAEL J. WARD,

Defendant.

**ORDER MODIFYING
CONDITIONS OF PROBATION**

This case comes before the court on the motion (D.E. 19) of defendant to modify the condition of his probation requiring him to perform 72 hours of community service (*see* J. (D.E. 14) 3, as amended¹ (D.E. 16)). Specifically, he requests that the 49 hours of community service he has yet to complete be reduced or eliminated. The basis for his request is that his work schedule, which requires him to work 60 hours per week, 6 days per week, leaves him only minimal time to provide care to his father, who recently suffered a heart attack. The government does not oppose the motion.

In light of defendant's completion of 23 hours of community service, the strong interest in allowing defendant to care for his ill father, and the lack of objection by the government, defendant's motion is GRANTED pursuant to 18 U.S.C. § 3563(c) and Fed. R. Crim. P. 32.1(c).² The 72 hours of community service to which defendant was sentenced is hereby REDUCED to the hours already completed as of the date of this Order. The other terms of the sentence imposed on defendant shall remain in full force and effect.

¹ On 15 July 2014, the court granted defendant's motion to extend the time within which he was required to complete his community service obligation.

² Rule 32.1(c) generally requires the court to hold a hearing before modifying the terms of probation. *See* Fed. R. Crim. P. 32.1(c)(1). However, this matter falls within the exceptions to the hearing requirement because defendant has expressly waived his right to a hearing (Mot. 3), *see* Fed. R. Crim. P. 32.1(c)(2)(A), and, alternatively, because the relief sought is favorable to defendant, does not extend the term of probation, and the government does not object, *see* Fed. R. Crim. P. 32.1(c)(2)(B), (C).

SO ORDERED, this the 18th day of November 2014.



James E. Gates
United States Magistrate Judge